

Burial Grounds (Ireland) Bill.

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[Bill 8.]

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Boards

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- Money may be borrowed to pay off Securities; 33.
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- Burial Board may let Land not required for Burials; 35.
- Burial Board to keep in order closed Burial Grounds, &c.; 36.
- Act to extend only to Ireland; 37.
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(Ireland.)

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B I L L

TO

Amend the Laws relating to the Burial of the
Dead in Ireland.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 I. This Act may be cited as "The Burial Grounds (Ireland) Act, Short Title, 1856."

10 II. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, "Lord Lieutenant" shall mean the Lord Lieutenant of Ireland or other Chief Governor or Governors thereof; "Council" shall mean Her Majesty's Privy Council in Ireland; "Borough" shall mean any Borough or Town Corporate in Ireland, or any Town in which a Board of Municipal Commissioners shall have been elected, under
15 the Provisions of an Act of the Third and Fourth Years of Her present Majesty, Chapter One hundred and eight, or in which Town Commissioners shall have been appointed, under the Provisions of an Act of the Ninth Year of King George the Fourth, Chapter Eighty-two, or an Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter One hundred and
[Bill 8.] A three,

Interpreta-
tion of
Terms.

three, or any Act amending the same; "Town Council" shall mean the Town Council of the Borough, or, where there is no Town Council, the Board of Municipal Commissioners, or the Town Commissioners acting for the Borough or Town; "the Borough Fund" shall be held to include "the Town Fund;" "Parish" shall extend 5 to any Extra-parochial Precinct or Place; "Ratepayers" shall mean the Persons for the Time being assessed to and paying Rates, or liable to be rated, under the Provisions of this Act; "Town Clerk" shall mean the Town Clerk of the Borough, or, where there is no Town Clerk, the Clerk of the Board of Municipal Commissioners, or of the 10 Town Commissioners acting for the Borough or Town.

Burial
Boards to
carry this
Act into
execution.

III. In the Execution of this Act in Poor Law Unions, or any Portion thereof not within the Limits or Boundaries of any Borough as defined by this Act, "Burial Board" shall be held to signify the Board of Guardians for the Relief of the Poor within any such 15 Poor Law Union or Portion thereof, and the Manner of holding and transacting Business at Meetings of such Burial Boards shall be similar to the Manner in use in respect of the Relief of the Poor, and within the Limits or Boundaries of any Borough "the Town Council of the Borough" shall be held to be the "Burial Board" of such 20 Borough.

Board of
Guardians to
be subject to
Control of
Poor Law
Commissioners.

IV. The Board of Guardians for the Relief of the Poor shall, in carrying into execution the Provisions of this Act, be subject to the Direction and Control of the Commissioners appointed for administering the Law for the Relief of the Poor in Ireland. 25

On Representation
duly made to him,
Lord Lieutenant in
Council may restrain
the opening of
new Burial
Grounds,
and order
Discontinuance of
Burials in
specified
Places.

V. In case it shall appear to the Lord Lieutenant in Council, upon Representation duly made to him, that for the Protection of the Public Health the opening of any new Burial Ground in any City or Town or within any other Limits in Ireland, save with the Approval of the Lord Lieutenant, should be prohibited, or that Burials in any 30 City or Town or within any other Limits, or in any Burial Grounds or Places of Burial, should be wholly discontinued, or should be discontinued subject to any Exception or Qualification, it shall be lawful for the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in Ireland, to order that no new Burial Ground shall 35 be opened in any City or Town or within such Limits without such previous Approval, or (as the Case may require) that after a Time mentioned in the Order Burials in such City or Town or within such Limits, or in such Burial Grounds or Places of Burial, shall be discontinued, wholly, or subject to any Exceptions or Qualifications men- 40 tioned in such Orders, and so from Time to Time as Circumstances may require: Provided always, that Notice of such Representation, and

and of the Time when it shall please the Lord Lieutenant to order the same to be taken into consideration by the Privy Council, shall be published in the Dublin Gazette, and shall be affixed on the Doors of the Churches or Chapels of or on some other conspicuous Places
 5 within the Parishes affected by such Representation, *One Month* before such Representation is so considered.

VI. It shall be lawful for the Lord Lieutenant, by and with the Advice of the Privy Council, to postpone the Time appointed by any Order in Council for the Discontinuance of Burials, or otherwise to
 10 vary any Order in Council made under this Act, (whether the Time thereby appointed for the Discontinuance of Burials thereunder or other Operation of such Order shall or shall not have arrived,) as to the Lord Lieutenant in Council shall seem fit; and every Order of the Lord Lieutenant in Council made for varying any Order previously
 15 made under this Act shall be deemed valid and effectual in Law.

VII. If any Person, after the Time mentioned in any Order in Council under this Act for the Discontinuance of Burials, shall knowingly and wilfully bury any Body, or in anywise act or assist in the Burial of any Body, in any Church, Chapel, Churchyard, Burial
 20 Ground, or Place of Burial, or, as the Case may be, within the Limits in which Burials have by such Order been ordered to be discontinued, in violation of the Provisions of any such Order, every Person so offending shall, upon summary Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding *Ten Pounds*.

VIII. Provided always, That, notwithstanding any such Order in Council, where, by virtue of any Faculty legally granted, or by Usage or otherwise, there is at the Time of the passing of this Act any Usage or Right of Interment in or under any Church or Chapel affected by such Order, or in any Vault of any such Church or Chapel, or of any
 30 Churchyard or Burial Ground affected by such Order, and where any exclusive Right of Interment in any such Burial Ground has been purchased or acquired before the passing of this Act, it shall be lawful for the Lord Lieutenant, from Time to Time, on Application being made to him, and on being satisfied that the Exercise of such
 35 Right shall not be injurious to Health, to grant a Licence for the Exercise of such Right, during such Time and subject to such Conditions and Restrictions as the Lord Lieutenant may think fit; but such Licence shall not prejudice or in anywise affect the Authority of the Ordinary, or of any other Person who if this Act had not been
 40 passed might have prohibited or controlled Interment under such Right, nor dispense with any Consent which would have been required under such Right, nor otherwise give to such Right any
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Lord Lieutenant in Council may postpone Order for Discontinuance of Burials, &c.

Penalty on Persons burying contrary to the Provisions of Orders in Council.

Saving of certain Rights to bury in Vaults.

greater Force or Effect than the same would have had if this Act had not been passed.

New Burial Grounds not to be opened contrary to Order in Council.

IX. Where by any such Order in Council it is ordered that no new Burial Ground shall be opened in any City or Town or within any Limits in such Order mentioned, without the previous Approval of the Lord Lieutenant, no new Burial Ground or Cemetery (parochial or non-parochial) shall be provided and used in such City or Town or within such Limits without such previous Approval. 5

No Corpse to be buried in Burial Ground, &c. unless at a certain Depth beneath the Ground.

X. No Corpse shall be buried in any Grave in any Burial Ground or Cemetery, not being a Vault, without at least *Fifty-four* Inches of Soil being left between the ordinary Surface of the Burial Ground or Cemetery and the upper Side of the Coffin; and after the Interment of a Corpse in any Grave in any Burial Ground or Cemetery no other Corpse shall be interred therein for the Space of Ten Years, except at the Request in Writing of some Relative of the Person who shall have been last interred therein; and every Person who shall act contrary to any of the Provisions of this Section shall be liable for every such Offence, on summary Conviction before Two Justices of the Peace, to a Penalty not exceeding *Ten Pounds*. 10 15

Upon Requisition of Ratepayers or Members of Burial Board, Meeting of Board to be convened to determine whether Burial Ground shall be provided.

XI. Although no Burial Ground has been closed by Order in Council, the Clerk of the Union in which any City, Town, or Place is situate, not being within the Limits of a Borough, and the Town Clerk of any Borough, shall be bound, upon the Requisition in Writing of Ten or more Persons assessed for the Relief of the Poor in such City, Town, or Place, or liable to the Payment of Borough Rate in such Borough respectively, or upon the Requisition in Writing of any Two or more Members of the Burial Board of such Union or Borough respectively, convene a Special Meeting of the Burial Board of such Union or Borough, for determining whether a Burial Ground shall be provided under this Act for such City, Town, or Place, or for such Borough respectively; and if a Majority of such Meeting shall resolve that a Burial Ground shall be provided under this Act for such City, Town, or Place, or Borough respectively, such new Burial Ground shall be provided, in the same Manner as if an old Burial Ground had been closed by Order in Council. 20 25 30

When Burial Grounds are closed by Order in Council, Board to provide suitable Burial Grounds, &c.

XII. Whenever any Burial Ground shall have been closed in any City, Town, or Place, or in any Borough respectively, by Order in Council, the Burial Board may, if it shall seem necessary or expedient, forthwith proceed to provide a suitable and convenient Burial Ground for such City, Town, or Place, or Borough respectively, and to make Arrangements for facilitating Interments therein, under the Provisions of this Act. 35 40

XIII. Any

XIII. Any Burial Ground may be provided under this Act, either within or without the Limits of the City or Town or Borough for which the same is provided; but no Ground not already used as or appropriated for a Cemetery shall be appropriated as a Burial Ground, or as an Addition to a Burial Ground, under this Act, nearer than *One hundred Yards* to any Dwelling House, without the Consent in Writing of the Owner, Lessee, and Occupier of such Dwelling House.

Consent of Owners of Houses to new Burial Grounds, where necessary.

XIV. For the providing such Burial Ground, it shall be lawful for the Burial Board to contract for and purchase or take any Lands, and Buildings thereon, for the Purpose of forming a Burial Ground, or for making Additions to any Burial Ground to be formed or purchased under this Act, as such Board may think fit, or to purchase from any Company or Persons entitled thereto any Cemetery or Cemeteries or Part or Parts thereof, subject to the Rights in Vaults and Graves and other subsisting Rights which may have been previously granted therein: Provided always, that it shall be lawful for such Board, in lieu of providing any such Burial Ground, to contract with any such Company or Persons entitled as aforesaid for the Interment in such Cemetery or Cemeteries, and either in any allotted Part of such Cemetery or Cemeteries or otherwise, and upon such Terms as the Burial Board may think fit, of the Bodies of Persons who would have had Rights of Interment in the Burial Grounds of such Parish or Place.

Board may purchase Land for Cemeteries, or contract with Cemetery Companies.

XV. The Lands Clauses Consolidation Act, 1845, except the Provisions of that Act "with respect to the Provisions to be made for affording Access to the Special Act by all Parties interested," and "with respect to the Purchase and taking of Lands otherwise than by Agreement," and "with respect to the Recovery of Forfeitures, Penalties, and Costs," shall be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Act, shall mean any Burial Board under this Act: Provided always, that the Provisions in the said Act "with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of this or the Special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof," shall be held to apply only to such Lands or Portions thereof in which no Burial shall have taken place, and such Provisions shall not be restricted in Operation to any fixed Period after the Purchase of such Lands.

Certain Provisions of 8 & 9 Vict. c. 18, incorporated with this Act.

XVI. Where any Burial Ground shall be closed under the Provisions of this Act, and a new Burial Ground provided in place thereof,

Liabilities of old Burial Grounds

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to new Bu-
rial Grounds.

thereof, the whole Burthen upon and Liabilities attaching to the Burial Ground so closed shall be transferred to and become Burthens upon the Burial Ground provided in place thereof, and the Revenues of the new Burial Ground shall be liable for the same in like Manner as the Revenues of the Burial Ground so closed were liable.

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Manage-
ment to be
vested in
Burial
Boards.

XVII. The general Management, Regulation, and Control of the Burial Grounds provided under this Act shall, subject to the Provisions of this Act and the Regulations to be made thereunder, be vested in and exercised by the respective Burial Boards providing the same: Provided always, that any Question which shall arise touching the Fitness of any Monumental Inscription placed or proposed to be placed in any Part or Portion of such Grounds shall be determined by the proper Ministers of the Religious Denomination to which such Part or Portion shall have been allotted: Provided also, that at the Burials of the Bodies of Members of the United Church of England and Ireland, or of the Roman Catholic Church, or of any other Religious Denomination, Burial Service according to the respective Rites of such Church or Denomination may be performed or celebrated by the proper Ministers of such Church or Denomination.

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Boards may
sell exclusive
Rights of
Burial, and
Rights to
erect Monu-
ments, &c.

XVIII. Any Burial Board, under such Restrictions and Conditions as they think proper, may sell the exclusive Right of Burial, either in perpetuity or for a limited Period, in such Parts of any Burial Ground provided by such Board as may be appropriated to that Purpose, and also the Right of constructing any Chapel, Vault, or Place of Burial, with the exclusive Right of Burial therein, in perpetuity or for a limited Period, and also the Right of erecting and placing any Monument, Gravestone, Tablet, or Monumental Inscription in such Burial Ground, subject to the Provisions herein-before contained: Provided always, that such exclusive Rights shall not extend in all to a Space of *One Half* of such Burial Ground.

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Boards may
make Ar-
rangements
for facilitat-
ing the Con-
veyance of
Bodies to
Burial
Grounds.

XIX. Any Burial Board may make such Arrangements as they may from Time to Time think fit for regulating and facilitating the Conveyance of the Bodies of the Dead from the Place of Death to any Burial Ground which shall be provided under this Act, subject to the Provisions of this Act and the Regulations to be made thereunder; and it shall be lawful for any of the aforesaid Cemetery Companies from whom the Burial Board shall have made any such Purchase, or with whom the Burial Board shall have made any such Contract as herein-before provided, to undertake any such Arrangement, and to carry the same into effect, subject to the Provisions and Regulations aforesaid.

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XX. It

XX. It shall be lawful for any Burial Board, subject to the Provisions of this Act and the Regulations to be made thereunder, to hire, take, or lease, or otherwise to provide, fit and proper Places in which Bodies may be received and taken care of previously to Interment, and to make Arrangements for the Reception and Care of the Bodies to be deposited therein; and for providing such Places such Boards may exercise all the Powers vested in them under this Act for providing Burial Grounds.

Places may be provided for Reception of Bodies until Interment.

XXI. It shall be lawful for the Lord Lieutenant in Council from Time to Time to make such Rules and Regulations in relation to the Burial Grounds and Places of Reception of Bodies previous to Interment which may be provided under this Act as may seem proper for the Protection of the Public Health and the Maintenance of Public Decency, and for the proper Registry of Interments, and to provide for the Imposition and Recovery of Penalties not exceeding Ten Pounds for each Offence for the Breach or Nonobservance of such Regulations; and the Burial Boards, and all other Persons having the Care of such Burial Grounds and Places for the Reception of Bodies, shall conform to and obey such Regulations.

Lord Lieutenant in Council may make Regulations as to Burial Grounds, &c.

XXII. No Funeral Procession, or Carriage in such Procession, and no Foot Passenger, shall, while going to or returning from the Place of Interment on the Occasion of any Interment, be liable to any Toll or Pontage.

Exemption of Burials from Toll.

XXIII. It shall be lawful for any Burial Board to enclose, lay out, and embellish any Burial Ground provided by such Board, in such Manner as may be fitting or proper: Provided always, that in all Cases in which a Burial Board shall provide a new Burial Ground under this Act, it shall be lawful for such Burial Board, with the Sanction of the Lord Lieutenant, to divide such new Burial Ground or some Part thereof into certain Parts and Proportions, to be allotted in such Manner as to the Lord Lieutenant shall seem fit, for the Burial of the Members of any particular Religious Denomination; and each such Allotment shall, as the Case may require, be consecrated according to the Rites and by the proper Ministers of the respective Religious Denominations for which each such Allotment is so set apart.

Board may lay out and embellish Burial Ground.

XXIV. Every Burial Board under this Act shall, subject to the Approval of the Lord Lieutenant, fix and receive such Fees and Payments in respect of Interments in any Burial Ground provided by such Board as they shall think fit, and from Time to Time revise and alter such Fees and Payments; and a Table showing such Fees and

Board to fix Payments for Interments in Burial Grounds.

Payments shall be printed and published, and shall be affixed and at all Times continued on some conspicuous Part of such Burial Ground.

Minutes of Proceedings of Board to be entered in a Book.

Board to keep Accounts, which shall be open to Inspection.

XXV. Minutes of all Proceedings of the Burial Board under this Act, with the Names of the Members who attend each Meeting, shall be kept; and the Burial Board shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid for or on account of the Purposes of this Act, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money are paid and such Liabilities incurred; and all such Books shall at all reasonable Times be open to the Examination of every Member of the Burial Board and Ratepayer, without Fee, and they may take Copies of or Extracts from such Books or any Part thereof, without paying for the same.

Board may appoint and remove Officers, &c.

XXVI. The Burial Board may appoint and may remove as Pleasure a Clerk and such other Officers and Servants as shall be necessary for the Business of the Board in respect of or for the Purposes of their Burial Ground, and may appoint reasonable Salaries, Wages, and Allowances for such Clerk, Officers, and Servants, and, when necessary, may hire a sufficient Office for transacting the Business of such Burial Board; and the Provisions and Clauses of "The Commissioners Clauses Act 1847," with respect to the "Appointment and Accountability of the Officers of the Commissioners," shall, so far as the same are not varied by or inconsistent with the Provisions of this Act, be incorporated therewith; and the Commissioners in the said Act shall signify the "Burial Board" under this Act.

Register of Burials to be kept in every Ground provided under this Act.

XXVII. All Burials within any Burial Ground provided under this Act shall be registered in a Register Book to be provided by the Burial Board providing such Ground, and kept for that Purpose; and such Register Book shall be so kept by some Officer appointed by the said Board to do that Duty; and in such Register Book shall be distinguished in what Parts of the Burial Ground the several Bodies (the Burials of which are entered in such Register Book) are buried; and such Register Book, or Copies or Extracts thereof, or purporting to be Copies or Extracts thereof, shall be received in all Courts as Evidence of the Burials entered therein.

Public Works Loan Commissioners may advance Money for the Purposes of this Act.

XXVIII. The Commissioners for carrying into execution an Act of the Fourteenth and Fifteenth Year of Her present Majesty, Chapter Twenty-three, intituled "An Act to authorise for a further Period the Advance of Money out of the Consolidated Fund to a limited Amount, for carrying on Public Works and Fisheries and Employment

under this Act, as the Lord Lieutenant in Council shall by any Order in that Behalf direct; and provided also, that when the Amount of the Rates to be assessed by the Council of such Borough or the Municipal Commissioners or Town Commissioners of such Town are limited by Law to a certain rateable Amount, such Limitation shall 5 not apply or extend to Expenses incurred for carrying this Act into execution; and it shall be lawful for the Council of such Borough or the Municipal Commissioners or Town Commissioners of such Town to charge the Expenses under this Act in addition to the other Borough or Town Rates respectively; and all Monies borrowed by the 10 said Council or the said Commissioners under this Act, or any Interest thereon, shall be charged upon the Rates authorized to be levied by the said Council or Commissioners respectively by this Act.

Guardians of
Council may
appropriate
Lands for
Purposes of
Act.

XXX. It shall be lawful for the Guardians of any Union or the Council of any Borough to appropriate for the Purposes of this Act 15 any Land belonging to the Board of Guardians of such Union or to the Body Corporate of such Borough respectively, or vested in any Feoffees, Trustees, or others for the general Benefit of the Union or Borough respectively, or any specific Charity: Provided always, that when any Land so appropriated shall be subject to any Charitable Use 20 such Land shall be taken on such Conditions only as the Court of Chancery, in the Exercise of its Jurisdiction over Charitable Trusts, shall appoint and direct.

Certain Pro-
visions of
10 & 11 Viet.
c. 65. incor-
porated with
this Act.

XXXI. The Provisions of "The Cemeteries Clauses Act, 1847," with respect to the Protection of the Cemetery, shall be incorporated 25 with this Act, and be applicable to any Burial Ground provided under this Act; and the Words "The Company" in "The Cemeteries Clauses Act, 1847," shall signify the "Burial Board" under this Act: Provided always, that any Penalty thereby imposed shall be enforced and recovered under the Provisions of the "Petty Sessions 30 (Ireland) Act, 1851," except when the Act or Offence in respect of which such Penalty shall have been incurred shall have been committed within the Jurisdiction of the Justices of the Police District of Dublin Metropolis, in which Case such Penalty shall be enforced and recovered under the Provisions of the Acts relating to such Police 35 Districts.

Burial
Boards may
borrow
Money for
laying out
Burial
Ground, &c.,
and charge

XXXII. Every Burial Board under this Act may, with the Consent of the Lord Lieutenant, borrow any Sum of Money not exceeding such Sum as the Lord Lieutenant may sanction and appoint, required for providing, laying out, and embellishing any Burial Ground under this Act, or any such Purposes, and may charge 40 the future Assessments or Rates respectively under this Act with the Payment

Payment of such Money, and Interest thereon not exceeding *Six* per Cent ; provided that there shall be paid in every Year, in addition to the Interest of the Money borrowed and unpaid, not less than *One Twentieth* of the Principal Sum borrowed, until the whole is discharged.

same as Rates to be levied under this Act.

XXXIII. Any Burial Board acting under this Act may, if they think fit, borrow Money in order to pay off and discharge any Security or Securities, and secure the Repayment of the Money so borrowed, and the Interest to be paid thereon, in like Manner as other Monies authorized to be borrowed by such Burial Board under this Act.

Money may be borrowed to pay off Securities.

XXXIV. No Land already or hereafter to be purchased or acquired under the Provisions of this Act, for the Purpose of a Burial Ground (with or without any Building erected or to be erected thereon), shall, while used for such Purposes, be assessed to any County, Parochial, or other local Rates at a higher Value or more improved Rent than the Value or Rent at which the same was assessed at the Time of such Purchase or Acquisition.

Assessment to local Rates not to be increased after Purchase for the Purpose of this or any former Act.

XXXV. It shall be lawful for any Burial Board, with the Sanction of the Lord Lieutenant, and subject to Regulations approved of by him, to let any Land purchased by and vested in them under this Act, and which has not been consecrated, and in which no Body has been at any Time interred, and which is not for the Time being required for the Purposes of a Burial Ground, in such Manner and on such Terms as such Board may see fit, but, so, nevertheless, that Power shall be reserved to such Board to resume any such Land which may be required for the Purposes aforesaid, upon giving *Six Months* Notice.

Burial Board may let Land not required for Burials.

XXXVI. In every Case in which any Order in Council has been or shall hereafter be issued for the Discontinuance of Burials in any Churchyard or Burial Ground, the Burial Board shall maintain such Churchyard or Burial Ground in decent Order, and also do the necessary Repair of the Walls and other Fences thereof; and the Costs and Expenses shall be repaid out of the Rates by this Act authorized, unless there shall be some other Fund legally chargeable with Costs and Expenses.

Burial Board to keep in order closed Burial Grounds, &c.

XXXVII. This Act shall extend to Ireland only.

Act to extend only to Ireland.

Burial Grounds
(Ireland).

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B I L L

To amend the Laws relating to the
Burial of the Dead in Ireland.

(Proposed and brought in by
Mr. Harrow, Mr. Attorney General for Ireland,
and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
& February 1855.

[Bill 8.]

Under 2. oz.